

REMARKS

A. Status of the Application

- Claims 1-4, 11, 12 and 14-17 are pending, of which claim 1 is the independent claim.
- Claims 1-4, 11, 12 and 14-17 are amended.
- Claims 5-10, 13 and 18-36 are cancelled.

Accordingly, entry of the amendments and new claims is respectfully requested. Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reasons relating to patentability.

Applicants intend to pursue the subject matter of the previously cancelled claims, in one or more continuing applications.

B. Claim Objections

On page 2, the Examiner objected to claims **16** and **34** because the abbreviation IOC should be written out. The objection is moot in light of the claim amendments.

C. Rejections Under 35 U.S.C. § 101

On page 3, the Examiner rejected claims **1-18** under 35 U.S.C. § 101 because the claimed subject matter are allegedly “performed using only human intelligence.” The rejection of claims **1-18** under 35 U.S.C. § 101 is moot in light of the claim amendments.

D. Rejections Under 35 U.S.C. § 112

On page 3, the Examiner rejected claims 1, 6, 19 and 24 under 35 U.S.C., § 112, para. 2, because the term “associated with” is allegedly unclear. The rejection is moot in light of the claim amendments.

On page 4, the Examiner rejected claims 1, 6, 9, 19, 24 and 27 under 35 U.S.C., § 112, para. 2, because the term “based on” is allegedly unclear. The rejection is moot in light of the claim amendments.

On page 4, the Examiner rejected claims 8, 9, 24 and 27 under 35 U.S.C., § 112, para. 2, because the term “according to” is allegedly unclear. The rejection is moot in light of the claim amendments.

On page 4, the Examiner rejected claims 16, and 34 under 35 U.S.C., § 112, paragraph 2, because the term “immediately” is allegedly unclear. The rejection is moot in light of the claim amendments.

On page 5, the Examiner rejected claim 1 under 35 U.S.C., § 112, paragraph 2, as allegedly incomplete for omitting essential steps. Specifically, the Examiner alleges that claim 1 does not describe “how the market center prices are received, how the market centers are determined, how the one market center is selected, how the policy is determined and how the trading order is routed.” The rejection is moot in light of the claim amendments.

On page 5, the Examiner rejected claim 2 under 35 U.S.C., § 112, paragraph 2, as allegedly incomplete for omitting essential steps. Specifically, the Examiner alleges that claim 2 does not describe “how the offer request and the bid request are specified.” The rejection is moot in light of the claim amendments.

On page 5, the Examiner rejected claim 6 under 35 U.S.C., § 112, paragraph 2, as allegedly incomplete for omitting essential steps. Specifically, the Examiner alleges that claim 6 does not describe “how the market center prices are received, how the market

centers are adjusted, how the one market center is compared, how the market center is selected.” The rejection is moot in light of the claim amendments.

On page 6, the Examiner rejected claim **8** under 35 U.S.C., § 112, paragraph 2, as allegedly incomplete for omitting essential steps. Specifically, the Examiner alleges that claim **8** does not describe “how the best price information is identified.” The rejection is moot in light of the claim amendments.

On page 6, the Examiner rejected claim **9** under 35 U.S.C., § 112, paragraph 2, as allegedly incomplete for omitting essential steps. Specifically, the Examiner alleges that claim **9** does not describe “how the best price information is identified.” The rejection is moot in light of the claim amendments.

On page 6, the Examiner rejected claim **13** under 35 U.S.C., § 112, paragraph 2, as allegedly incomplete for omitting essential steps. Specifically, the Examiner alleges that claim **13** does not describe “how the market center price is adjusted, how the market center prices are compared and how the particular market center is selected.” The rejection is moot in light of the claim amendments.

On page 6, the Examiner rejected claim **17** under 35 U.S.C., § 112, paragraph 2, as allegedly incomplete for omitting essential steps. Specifically, the Examiner alleges that claim **17** does not describe “how the length of time is monitored, how a timeout length is determined, and how the cancel instruction is communicated.” The rejection is moot in light of the claim amendments.

On page 6, the Examiner rejected claim **18** under 35 U.S.C., § 112, paragraph 2, as allegedly incomplete for omitting essential steps. Specifically, the Examiner alleges that claim **18** does not describe “how the length of time is monitored, how a timeout length is determined, and how the trading order is communicated.” The rejection is moot in light of the claim amendments.

E. Rejections Under 35 U.S.C. § 102

On page 3, the Examiner rejected claims **1-36** under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,101,353 (“Lupien”). The rejection under 35 U.S.C. § 102 is moot in light of the claim amendments.

Thus, no *prima facie* case of anticipation has been established for independent claim 1 (and the claims that depend therefrom). Thus, claims 1-4, 11, 12 and 14-17 are allowable for at least this reason.

F. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

G. Authorization for Email Communication

Recognizing that Internet communications are not secure, Applicants hereby authorize the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicants understand that a copy of these communications will be made of record in the application file.

H. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition,

because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (857) 413-2056.

Respectfully submitted,

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